

March 17, 2009

**TO: Senator Donald Steinbeisser, Chairman, Senate Agriculture Committee
and Members of the Senate Agriculture Committee:**

RE: HB 445, the Montana Farmer Protection Bill.

I am writing in support of HB 445. I believe that the 2009 Session of the Montana Legislature has a unique opportunity to exercise foresight by passing this bill that provides a framework for the fair settlement of disputes that are almost certain to occur the future.

I believe deeply that the protection of intellectual property through copyright and patent laws is a key incentive in innovation and advancement in a free society. We should all have the right to profit from our ideas, efforts and investments. Anyone engaging in deliberate infringement of patent or copyright law should suffer the consequences of the law for their action.

I also believe that it is unrealistic to believe that genetic material can be contained within property boundaries in Montana given our extremes of climate. I think that the inevitable drift of genetic material will result in some farmers inadvertently acquiring genes that they don't want without their knowledge. When this occurs, there needs to be a process in place for the farmer to mount a defense to charges of infringement that will not be so burdensome as to jeopardize the farm. HB 445 establishes this process by creating a fair and reasonable testing protocol, establishing that liability is not created by unknowing acquisition or possession of seeds or plants, and setting the venue for the solution of Montana problems in Montana.

Given so few chances during the Session to exercise foresight with no fiscal impact to the state; I urge you to please take this rare opportunity to set the stage for clear resolution of problems that Montana will experience and **support HB 445.**

Sincerely,



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March 2009

Re: HB 445

Dear Senator Steinbeisser and members of the Senate Agriculture Committee,

I'm writing in favor of HB 445; known as the Montana Farmer Protection Bill. I am an independent corn breeder in Big Timber, Montana.

Multinational industrial agricultural corporations have gained monopolistic power over seeds and thus over our nation's food supply. Their business practices have been an increasing threat to independent farmers in the following ways.

- Absorbing other businesses and gaining control over their genetics, and markets.
- Putting smaller farms and organizations out-of-business.
- Destroying regional breeders and regionally adapted gene-pools.
- Purchasing and confiscating heirloom lines, sometimes through questionable means.
- Narrowing genetic diversity.
- Demolishing indigenous agriculture in favor of farmers who grow their patented chemically dependent crops.
- And approaching world domination through control of the food.

TRANSGENIC

Some enormous corporations have put millions of dollars into genetic engineering by moving genes one by one from one species to another which is referred to as transgenic. They now claim the right to patent genes and ownership of any plants, animals or fungi that carry these transgenic traits. We respect that they have the right to patent their creations, and to protect their property.

On the other hand, our government must protect farmer's rights too. Farmers currently have no protection or recognition of rights to their seed or breeding work. Farmers and breeders have always been, and will always be, important to our nation's food security.

CROP CONTAMINATION

The problem that HB-445 address is the very real potential of crop contamination. This occurs when genes from the patented seed are found in the crops of a farmer who has not signed a contract to grow the patented seed.

In 2008 most of the soy beans and three quarters of the corn in the USA was from patented transgenic seed, and in the summertime there is a blanket of this pollen covering our nation's farmlands. It is hard to escape contamination. Foreign transgenic pollen gets in and contaminates corn even at universities who try to prevent it with protective bags and hand pollination.

As a corn breeder I have had several incidents showing the loss of genetic lines, time and money that I myself, my partners, associates and cooperative universities have experienced due to contamination by patented transgenic. It is becoming very difficult for any independent breeders to continue in this situation.

There are probably only a couple dozen independent corn breeders left in the nation and the amount of uncontaminated corn seed is slipping away. Soon the corporations which own transgenic patented seeds may own all the seeds via monopoly.

FARMERS FALSELY ACCUSED

During the House hearing on HB-445's opponent Ron Euland made a few statements that sounded convincing. They were statements with emotional appeal, but of little factual basis. He said that:

- Patented seed companies **only** go after farmers who have clearly pirated their seed.

We wish this was true but it is not. As evidence I refer to the two growers who submitted letters to the committee, Rodney Nelson from North Dakota, and David Runyon from Indiana. Both of these farmers had incurred unwarranted intrusion into their privacy, property and business by Monsanto. After both men had spent a great deal of their own cash and emotional capital to defend them from false prosecution by Monsanto their cases were dismissed.

HB-445's opponent Ron Euland also said:

- Any honest farmer would allow his crop to be inspected if he didn't have anything to hide.

HB-445 is NOT blocking inspection. And I turn their question back on them: "If the multi-national corporation is really honest, why are they trying to prevent supervision?" We are just asking an independent third party representation from Montana Dept of Agriculture to be present.

Like all of my farming associates, I don't want patented genes in my corn. The slightest amount of transgenic contamination destroys my national and international market, and defeats my lifetime goal to develop long-term sustainable crops for the future. It is expensive yet necessary to screen all of the breeding material that I use, and eliminate anything showing transgenic contamination. But someday contamination could slip through, as it has for my associates.

If that day comes I ask for justice and protection of my property rights, so a patented seed company doesn't trespass and confiscate my seeds. I don't want them taking my life's work from me, without any regard to our laws, any more than they want me to take their work. HB-445 will be the only provision protecting the Montana farmer's rights when accused by a multinational corporation.

Many geneticists believe that we face global crop failure and famine in the future if genetic diversity is lost in favor of the uniform super crops that are taking over. Society must protect the creative work of independent breeders and our use of natural genetic diversity. There are very few of us left. HB-445 will be a vital step to aid the independent breeder from unjust abuse by patented seed monopolies.

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